NOTE

This Microfiche meets the quality requirements of the American National Standard for Microfiche of Documents (ANSI PH5.9-1975). However, because of imperfections in the document from which it was made, it contains images that are illegible or difficult to read. The source document for this microfiche is the best copy that could be obtained prior to filming.

Congressional Information Service, Inc.
Washington, D.C.

Calendar No. 975

100TH CONGRESS
2d Session

SENATE

REPORT
100-540

ESTABLISHING A SERIES OF FIVE REGIONAL PRESIDENTIAL PRIMARIES AND CAUCUSES

SEPTEMBER 22 (legislative day, SEPTEMBER 7), 1988.—Ordered to be printed

Mr. FORD, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 1786]

The Committee on Rules and Administration, having considered S. 1786, a bill to establish a series of Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

BACKGROUND AND PURPOSE

The purpose of this legislation is to provide more order to the process by which Presidential candidates are selected by each party and to assure that no state has inordinate influence in the process. It assigns each state to a region for the purpose of conducting Presidential primaries, stipulates dates for a series of regional primaries and provides for a series of lotteries to determine which region will have its primary on the next contest date.

S. 1786 was introduced on October 14, 1987 by Senator Dixon to establish regional primaries as the system by which Presidential candidates are nominated. The bill was referred to the Committee on Rules and Administration and a hearing was held on June 7, 1988. Testimony in favor of a bill establishing regional Presidential primaries was received from the Honorable Walter F. Mondale, former Vice President of the United States, who sponsored a similar bill during the 94th Congress; Senator Dixon, the sponsor; Senator Breaux, a cosponsor of the bill; and Senator Packwood, who had introduced other legislation to establish regional Presidential pri-

S683-8

maries. Representative Charles Bennett, the sponsor of a similar bill in the House, also testified.

The witnesses generally agreed on the need to provide some organization to the system for nominating Presidential candidates. They noted that under the present system candidates are required to give attention to certain states based solely on the timing of their primary or caucus, and far out of proportion to the number of their voters; conduct tar-mac, media campaigns when many states hold primaries the same date; and travel from one end of the country to the other to cover many states with primaries on the same dates. In short, they observed that the present system is the product of laws and rules made by each of the states and by the parties without regard to their overall impact on the system or the candidates, or on their relationship to each other.

The proposals of the witnesses generally involved some form of regional primary plan similar to the original bill and the amendment herein reported. Some, like S. 1786, would extend the regulatory scheme to include changes in voter requirements or qualifications of the states and parties; one would establish a single national primary. The "Duluth Plan" was submitted for the committee's consideration and was unique in that it would establish regions based on population and provide for a primary election schedule in which the first primary would be in a region composed of the least populated states and the final primary, the most highly populated states. All of these plans were given consideration, but in determining to proceed with the amendment, the committee chose to submit a simple plan based on regions having close to equal numbers of delegates and population and made up of contiguous states—a plan that would leave issues of voter qualification and participation to the states and parties.

COMMITTEE ACTION

On August 3, 1988, the Committee on Rules and Administration held a markup session on S. 1786. Chairman Wendell H. Ford offered an amendment in the nature of a substitute to S. 1786 which would establish a series of five regional Presidential primaries and reduce the instrusive effect of such a system on state laws and political party rules.

The original bill envisioned six regions and an October lottery to match regions with dates for primaries. It provided for the first primary to take place the last Tuesday in March and at two week intervals thereafter. It also set certain criteria as to who may vote in a party primary.

The substitute would establish five regions and a series of lotteries conducted by the FEC 70 days before each primary to determine which will be the next region to hold its primary. Primaries would begin the second Tuesday in March; additional contests would be held every third Tuesday thereafter.

The substitute would only define regions and establish a system for assigning dates, and would, therefore, make a minimal intrusion into state law and party affairs; all determinations pertaining to such matters as eligibility to vote would be left to state law and party rules. It would define "Presidential primary" broadly and re-

quire that any expression of a preference for President, including a primary, caucus or even a "beauty contest" in which no delegates are chosen, must occur on the date set for the region.

The Committee considered the suggestion of Senator Stevens that geographical distances, as well as the number of delegates, should be given consideration as a criterion for defining regions. It was noted that regions 4 and 5 covered a great number of states and vast areas and perhaps should be further divided. The members agreed to continue reviewing the proposal to increase the number of regions and to prepare an amendment for consideration on the floor.

After discussion, S. 1786, as amended, was passed by voice vote and was ordered reported favorably by the Committee. Although a rollcall vote was not requested, Mr. Adams, Mr. Helms, and Mr. Garn asked to be recorded in the negative.

SECTION-BY-SECTION ANALYSIS—COMMITTEE SUBSTITUTE AMENDMENT TO S. 1786

Section 1: This act may be cited as the Regional Presidential Primaries and Caucuses Act of 1988.

Section 2 sets forth the findings of Congress, with regard to the process of selecting candidates for the Offices of President and Vice President, which conclude that the Congress must regulate certain parts of the process.

Section 3(a) provides that no State shall conduct a Presidential primary except in accordance with the provisions of the Act.

Section 3(b)(1) states that five regional Presidential primaries shall be held during each Presidential election year, the first on the second Tuesday in March and the remaining four every third Tuesday thereafter.

Section 3(b)(2) provides that, 70 days before the first regional primary, the Federal Election Commission shall determine by lot the region in which that primary will be held, and then shall determine by separate lot, conducted 70 days before each subsequent regional primary, except the last, the region in which the next primary is to be held. A state may hold a Presidential primary only on the date assigned to the region in which it is located.

Section 3(c) provides that the Attorney General may bring a civil suit in United States district court for any appropriate relief, including injunctive relief, if he has reason to believe a state is violating the provisions of this section.

Section 4 defines the terms "Commission", "Presidential primary", "region", and "State".

Section 5 authorizes the appropriation of such sums as are necessary to carry out the provisions of the Act, and amends the title of the original bill by replacing "six" with "five".

MAPS AND TABLES

Following are (1) a map indicating the five regions; (2) tables setting out the population, electoral votes and delegates in each region; and (3) a table of population, electoral votes and delegates in each state.

S. 1786
COMMITTEE SUBSTITUTE

REGION	POPULATION	ELECTORS	DEMOCRATIC DELEGATES	REPUBLICAN DELEGATES
Region 1	47.1M	104	832	456
Region 2	50.9M	110	834	432
Region 3	53.7M	112	773	468
Region 4	44.9M	101	718	429
Region 5	49.8M	111	742	492

NOTE: A Democratic candidate needs 2,081 votes to win nomination. A Republican candidate needs 1,139 votes to win nomination.

REGION 1

[Population in millions]

State	Population	Electors	Democratic delegates	Republican delegates
Connecticut	3.2	8	59	35
Delaware	.6	3	19	17
District of Columbia	.6	3	24	14
Maine	1.2	4	27	22
Maryland	4.5	10	78	41
Massachusetts	5.8	13	109	52
New Hampshire	1.0	4	22	23
New Jersey	7.6	16	118	64
New York	17.8	36	275	136
Puerto Rico	3.3		56	14
Rhode Island	1.0	4	26	21
Vermont	.5	3	19	17
Total	47.1	104	832	456

REGION 2

[Population in millions]

State	Population	Electors	Democratic delegates	Republican delegates
Illinois	11.5	24	187	92
Indiana	5.5	12	85	51
Michigan	9.2	20	151	77
Ohio	10.8	23	174	88
Pennsylvania	12.0	25	193	96
West Virginia	1.9	6	44	28
Total	50.9	110	834	432

REGION 3

[Population in millions]

State	Population	Electors	Democratic delegates	Republican delegates
Alabama	4.1	9	61	38
Florida	12.0	21	146	82
Georgia	6.2	12	86	48
Kentucky	3.7	9	60	38
Louisiana	4.5	10	71	41
Mississippi	2.6	7	45	31
North Carolina	6.4	13	89	54
South Carolina	3.4	8	48	37
Tennessee	4.8	11	77	45
Virgin Islands	.1		4	4
Virginia	5.9	12	86	50
Total	53.7	112	773	468

REGION 4

[Population in millions]

State	Population	Electors	Democratic delegates	Republican delegates
Arkansas	2.4	6	43	27
Iowa	2.8	8	58	37
Kansas	2.5	7	43	34
Minnesota	4.2	10	86	31
Missouri	5.1	11	83	47
Nebraska	1.6	5	29	25
North Dakota	.7	3	20	16
Oklahoma	3.3	8	51	36
South Dakota	.7	3	19	18
Texas	16.8	29	198	111
Wisconsin	4.8	11	88	47
Total	44.9	101	718	429

REGION 5

[Population in millions]

State	Population	Electors	Democratic delegates	Republican delegates
Alaska	0.5	3	17	19
American Samoa	.04		4	
Arizona	3.4	7	40	33
California	27.7	47	336	175
Colorado	3.3	8	51	36
Guam	.1		4	4
Hawaii	1.1	4	25	20
Idaho	1.0	4	23	22
Montana	.8	4	25	20
Nevada	1.0	4	21	20
New Mexico	1.5	5	28	26
Oregon	2.7	7	51	32
Utah	1.7	5	27	26
Washington	4.5	10	72	41
Wyoming	.5	3	18	18
Total	49.8	111	742	492

TABLE OF POPULATION, DELEGATES, AND ELECTORS BY STATE

[Population in millions]

State	Population [1]	Electors	Democratic delegates	Republican delegates [2]
Alabama	4.1	9	61	38
Alaska	.5	3	17	19
American Samoa	.04		4	
Arizona	3.4	7	40	33
Arkansas	2.4	6	43	27
California	27.7	47	336	175
Colorado	3.3	8	51	36
Connecticut	3.2	8	59	35
Delaware	.6	3	19	17
District of Columbia	.6	3	24	14
Florida	12.0	21	146	82
Georgia	6.2	12	86	48

TABLE OF POPULATION, DELEGATES, AND ELECTORS BY STATE—Continued

[Population in millions]

State	Population [1]	Electors	Democratic delegates	Republican delegates [2]
Guam	.1	.....	4	4
Hawaii	1.1	4	25	20
Idaho	1.0	4	23	22
Illinois	11.5	24	187	92
Indiana	5.5	12	85	51
Iowa	2.8	8	58	37
Kansas	2.5	7	43	34
Kentucky	3.7	9	60	38
Louisiana	4.5	10	71	41
Maine	1.2	4	27	22
Maryland	4.5	10	78	41
Massachusetts	5.8	13	109	52
Michigan	9.2	20	151	77
Minnesota	4.2	10	86	31
Mississippi	2.6	7	45	31
Missouri	5.1	11	83	47
Montana	.8	4	25	20
Nebraska	1.6	5	29	25
Nevada	1.0	4	21	20
New Hampshire	1.0	4	22	23
New Jersey	7.6	16	118	64
New Mexico	1.5	5	28	26
New York	17.8	36	275	136
North Carolina	6.4	13	89	54
North Dakota	.7	3	20	16
Ohio	10.8	23	174	88
Oklahoma	3.3	8	51	36
Oregon	2.7	7	51	32
Pennsylvania	12.0	25	193	96
Puerto Rico	3.3	.....	56	14
Rhode Island	1.0	4	26	21
South Carolina	3.4	8	48	37
South Dakota	.7	3	19	18
Tennessee	4.8	11	77	45
Texas	16.8	29	198	111
Utah	1.7	5	27	26
Vermont	.5	3	19	17
Virgin Islands	.1	.....	4	4
Virginia	5.9	12	86	50
Washington	4.5	10	72	41
West Virginia	1.9	6	44	28
Wisconsin	4.8	11	88	47
Wyoming	.5	3	18	18
Total	246.44	538	3,899	2,277

[1] Population figures for states and the District of Columbia are based on 1987 estimates. Figures for American Samoa, Guam, Puerto Rico and the Virgin Islands are based on 1986 estimates.

[2] Delegate figures are based on a CRS Report dated February 29, 1988.

COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1988.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1786, the Regional Presidential Primaries and Caucuses Act of 1988, as ordered reported by the Senate Committee on Rules and Administration, August 3, 1988. Enactment of this bill would not affect the federal budget, although it would increase the costs of holding elections for certain state and local governments.

S. 1786 would establish a system of regional presidential primaries that would require all states to hold a Presidential primary on one of five days during March, April, or May of presidential election years. States that currently hold elections for other federal and state offices on the same day as the Presidential primary would likely have to hold those elections on a separate day. Under the lottery system specified by S. 1786, a state would not find out when its Presidential primary would be held until 70 days before the election date, thus forcing the state to schedule other elections on a separate day to allow for necessary planning. Because some states would have to hold two elections instead of one, states' costs of running elections would increase.

CBO does not yet have sufficient information to determine how many states would add a second election day and to estimate precisely their additional costs. However, based on preliminary information, we expect that about 15 states would be affected and their additional costs would probably amount to between $20 million and $30 million in each Presidential election year.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM,
Acting Director.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee does not consider that enactment of S. 1786, as amended, would have any regulatory impact.

○